IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application NO.59 of 2007
In
Criminal Writ Petition No.372 of 2003

Indage (India) Ltd. now known as
Champagne (Inda) Ltd. Petitioner
Vs.
The State of Mahrashtra & anr. Respondents

Mr.E.R.Naik for petitioner.
Mr.D.P.Adsule, APP for State.

CORAM: B.H.MARLAPALLE, J.

August 13, 2007.

P.C.

. Heard Mr.Naik, the learned counsel for the applicant - Company which is seeking restoration of Criminal Writ Petition No.372 of 2003. However, the restoration application has been filed belatedly and as per the office note the delay caused is of 698 days.

. I am not satisfied that good and sufficient reasons have been made out to condone the delay and in any case against the order passed under Section 256 of Cr.P.C. dismissing the complaint i.e. C.C. No.86/S/2000, the petitioner - company has a statutory remedy of filing an appeal after seeking leave under Section 378(4) of Cr.P.C. Hence the

application is rejected and it is clarified that dismissal of Criminal Writ Petition No.372 of 2003 for default will not come in the way of the petitioner - company from applying for prosecution of appeal against the order of acquittal subject to the condition of limitation.

(B.H.MARL